

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, the claims have been amended to change “drug” to --composition--, which is how the Examiner is apparently interpreting the term “drug”, as indicated in item 3 on page 2 of the Office Action. Amended claims 1 and 2 also recite that the saturated moisture content of the degradable gel is not less than 50 wt. %, based on the disclosure at page 5, line 20 of the specification. Limiting the degradable gel to one which decomposes and dissipates upon completion of release of the functional material is supported by page 3, lines 1-2; and limiting the functional material to a material which is useful in treatment of humans or other animals or in plant or pest control is supported by page 1, lines 12-13.

New claims 23-30 have been added to the application. Claims 23-28 are directed to the more preferred saturated moisture contents disclosed at page 5, lines 20-21. Claims 29-30 are directed to the degradable gels disclosed at page 6, lines 6-13.

In view of the claim amendments, Applicants respectfully submit that the rejection of claims 1, 2 and 7-20 under the second paragraph of 35 U.S.C. §112 has been rendered moot.

The patentability of the presently claimed invention, after entry of the foregoing amendments, over the disclosures of the references relied upon by the Examiner in rejecting the claims, will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1, 2 and 7-13 under 35 U.S.C. §102(b) as being anticipated by Yasuhisa (JP ‘934, computer translation), as well as the rejection of claims 1-6, 11, 12 and 17-20 under 35 U.S.C. §102(b) as being anticipated by Igarashi (US ‘653), the rejection of claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Yui et al. (US ‘605) and the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Igarashi and Yui et al., are respectfully traversed.

As indicated above, each of claims 1 and 2, which are the only independent claims under consideration, has been amended to recite that the saturated moisture content of the degradable gel is from not less than 50 wt % up to not exceeding 98 wt %. The Examiner has not addressed the saturated moisture content limitation in either of original claims 1 or 2 in setting forth any of the prior art rejections. Applicants respectfully submit that, particularly in view of the narrower scope of the saturated moisture content in amended claims 1 and 2, combined with the further

limitations in these claims concerning the nature of the degradable gel and the functional material, the invention as now claimed is clearly patentable over the references.

Attention is also directed to new claims 23-28, which even further restrict the range for the saturated moisture content of the degradable gel.

Furthermore, attention is also directed to new claims 29 and 30, which limit the polymer compounds which are used for the degradable gel. This is particularly pertinent to the Igarashi reference, which discloses matrix base materials (column 3, lines 53-67) that are completely different from the polymers of new claims 29 and 30.


Claims 1, 2 and 7-16 have been provisionally rejected for obviousness-type double patenting as being unpatentable over claims 1-8 of Serial No. 10/829,242. This rejection should be withdrawn, since the '242 application has been abandoned.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Nobuhiko YUI et al.

By: 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 9, 2008